

OFFICIAL COPY

Fresno, California

March 12, 2002

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor William Nolte, First Baptist Church, gave the invocation, and a Girl Scout representative led the Pledge of Allegiance to the Flag.

PROCLAMATION OF DEMOLAY WEEK - MAYOR AUTRY AND PRESIDENT PEREA

PROCLAMATION OF GIRL SCOUT WEEK - MAYOR AUTRY AND CITY COUNCIL

RESOLUTION OF COMMENDATION TO DIANE WETZEL - MAYOR AUTRY AND COUNCILMEMBER CALHOUN

PRESENTATION OF MERITORIOUS AWARDS TO THE HAMILTON TASK FORCE: JOAN HENSLETT MINASIAN, CLINT HORWITZ AND CAROL MILLS - COUNCILMEMBER BOYAJIAN

PRESENTATION OF 2ND QUARTER STUDENT RECOGNITION AWARDS FOR ELEMENTARY AND MIDDLE SCHOOLS IN DISTRICT 4 - ACTING PRESIDENT CASTILLO

The above awards, resolution, and proclamations were read and presented.

- - - -

The City Council recessed at 9:06 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE RECREATIONAL FACILITIES FINANCING AUTHORITY MINUTES OF FEBRUARY 12 AND 26, 2002 (Members Castillo, Duncan and Perea only)

On motion of Member Perea, seconded by Member Castillo, duly carried, RESOLVED, the RFFA minutes of February 12 and 26, 2002, approved as submitted.

APPROVE AGENCY MINUTES OF FEBRUARY 26, 2002

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, the Agency minutes of February 26, 2002, approved as submitted.

(9:15 A.M.) RESOLUTION - APPROVING A REPLACEMENT HOUSING PLAN FOR THE VENTURA/FREEWAY PROJECT, SUBAREA 1 (CORNERSTONE PROJECT), IN THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA (CONTINUE TO MARCH 19, 2002, AT 8:30 A.M.)

Continued as noted.

(9:00 A.M.) PRESENTATION OF VISION 2010 PLAN FOR DOWNTOWN FRESNO BY MAYOR AUTRY AND COUNCIL/AGENCY MEMBERS AND RECEIVE INPUT AND DIRECTION REGARDING IMPLEMENTATION STRATEGIES, TIMETABLE AND FINANCING, INCLUDING NECESSARY ENVIRONMENTAL REVIEWS AND RELATED DOCUMENTS (COUNCIL AND AGENCY ACTION)

Chair Duncan and Mayor Autry gave opening remarks stating this was a historic day in Fresno and the Vision 2010 Plan was a commitment and action strategy and the community was behind the city; Mayor Autry commented on the need for a vibrant, quality downtown and noting there had been progress emphasized Vision 2010 pulled all the plans together; and along with the entire Council reviewed Vision 2010 and past and current projects including the Federal Courthouse Project, Regional Medical Center, UCSF Medical Education Center, FUSD Magnet School, the Armenian Town Project and Infill Housing **(2 - 0)**, Downtown Stadium, Civic Center Square area and the Convention Center Expansion and Hotel Projects, Private Sector Recruitment, the Santa Fe Promenade, Uptown/Museum District, Fulton Street Area, Festival/Entertainment Area and Farmers Market, and the Riverwalk and Lake Project. Mayor Autry concluded emphasizing no other neighborhood would be sacrificed in any way for the plan, and reiterated a thriving downtown was vital to competition and emphasized the City was committed, Vision 2010 would happen, and **(3 - 0)** urged Council to move forward this date to provide direction for strategy implementation and financing.

Speaking to the issue were: Ray McKnight, 147 W. Scott Avenue, who spoke to the need to (1) take the Central Area Community Plan into account, and (2) retain the Fulton Mall as a pedestrian mall; Stebbins Dean, CEO, Chamber of Commerce, support; Gloria Moralez, who spoke to how the plan would expand into Chinatown and West Fresno; and John Ferdinandi, Chair, 3R Committee, support. Chair Duncan identified and commended the members of the 3R Committee for their commitment.

Councilmember Ronquillo stated in moving forward it was important for downtown to remain a government center, cultural and entertainment center, housing, and a hotel and conference center. Councilmember Quintero stated this plan was different from those presented in the past because of implementation and warned other cities to look out because Fresno was going to be California's new frontier. President Perea clarified no decision was being made this date on opening up Fulton Mall to traffic and that issue would be discussed later. Acting President Castillo stated this

the entire city for citizen input stating they would be paying for it, and offered an amendment to the motion to “direct the City Manager to *seek financial options* for the project funds to be used...” instead of “*leverage city financial resources* for project funds to be used...”, which was accepted by the motion-makers.

On motion of Councilmember Ronquillo, seconded by Chair Duncan, duly carried, RESOLVED, Vision 2010 for Downtown Fresno as presented this date hereby accepted; Redevelopment Agency staff directed to (1) complete the ELS report on the Fulton area of downtown Fresno and bring it forward for Council/Agency hearing on April 9th, (2) solicit, through an RFP process, professional firm(s) for completing design and environmental (CEQA) requirement on the Riverwalk/Lake component of Vision 2010 and return as soon as possible with recommended firm(s) for contract approval, (3) develop a work program and timetable for Vision 2010 implementation, and (4) prepare a multi-year Capital Improvement Program to implement Vision 2010; and further, to jump-start Vision 2010 implementation, Council directs the City Manager to seek financial options for projects funds to be used as follows:

- | | | |
|----|--|--------------|
| 1. | Uptown/Museum District Improvement | \$3 million |
| 2. | Fulton Area Improvement (bound by Inyo, Van Ness, Tuolumne & UPRR) | \$10 million |
| 3. | Riverwalk/Lake Development | \$10 million |
| 4. | Convention Center/Selland Arena Improvements | \$4 million |
| 5. | Downtown Land Acquisition | \$1 million |
| 6. | 99 Corridor Improvements (north of Belmont) | \$1 million |
| 7. | Tower District Streetscape/Parking Improvement | \$1 million |

These funds will be needed and phased in over the next 3-5 years, and the City Manager is to bring back the details of the financing package that will accomplish the task, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

- - - -

The joint bodies adjourned their meeting at 10:36 a.m.

RECESS - 10:36 A.M. - 11:08 A.M. The City Council reconvened in regular session with Councilmember Ronquillo arriving later.

APPROVE CITY COUNCIL MINUTES OF MARCH 5, 2002

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of March 5, 2002, approved, as corrected later in the meeting by Acting President Castillo, on Page 139-111, first paragraph, correcting (1) the name Milt Varvis to *Varbis*, and (2) 501(3)(c) to 501(c)(3).

- - - -

(1-C) AWARD CONTRACT FOR TRAFFIC SIGNAL UPGRADES, CHESTNUT AND TULARE AVENUES
1. * RESOLUTION - 85TH AMENDMENT TO AAR 01-200 APPROPRIATING \$101,300 FOR THE CONTRACT AWARD

City Clerk Klisch advised staff was removing the item from the agenda due to the resolution not being prepared, brief discussion ensued, and at the direction of President Perea the matter was left on the agenda and subsequently pulled from the Consent Calendar for discussion.

PRIOR REQUEST TO STAFF TO SCHEDULE A RESOLUTION THIS DATE CONTINUING HEALTH AND WELFARE BENEFITS FOR EMPLOYEES ON ACTIVE MILITARY DUTY - PRESIDENT PEREA

Upon question, staff advised the resolution would be scheduled on the March 19th agenda.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

- - - -

ADOPT CONSENT CALENDAR:

(1A) AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION OF FRESNO IN THE AMOUNT OF \$126,500 TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 32B

(1B) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO NEPTUNE TECHNOLOGY GROUP, INC., OF TALLASSEE, AL, IN THE AMOUNT OF \$262,179.40 FOR 3/4" - 2" WATER METERS

(1D) * RESOLUTION NO. 2002-80 - APPROVING THE REALLOCATION OF FUNDS IN THE AMOUNT OF \$200,000 FOR THE TULARE AND FRESNO STREETS MEDIAN ISLAND PROJECTS FOR CONSTRUCTION, INSPECTION, CONTRACT COMPLIANCE AND CONTINGENCY

1. AWARD A CONTRACT TO AMERICAN PAVING CO. OF FRESNO FOR THE BASE BID PLUS ALL ADD-ALTERNATES IN THE AMOUNT OF \$446,549.20 FOR CONSTRUCTION OF MEDIAN ISLANDS ON FRESNO STREET (BETWEEN BROADWAY AND "S" STREET) AND INSTALLATION OF LANDSCAPING AND IRRIGATION

2. AWARD A CONTRACT TO AMERICAN PACING CO. OF FRESNO FOR THE BASE BID PLUS ALL ADD-ALTERNATES IN THE AMOUNT OF \$37,159 FOR CONSTRUCTION OF MEDIAN ISLANDS ON TULARE STREET (BETWEEN THE UNION PACIFIC RAILROAD/UPRR AND "R" STREET) AND INSTALLATION OF LANDSCAPING AND IRRIGATION

(1E) APPROVE THE ACQUISITION OF A STREET EASEMENT FROM SUNSTONE OP PROPERTIES FOR THE APPRAISED VALUE PRICE OF \$12,000 AND EASEMENT FROM VAN NESS INVESTMENT COMPANY

AT THE PRICE OF \$4,200 FOR PEACH AVENUE IMPROVEMENTS; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE PURCHASE/SALE AGREEMENT AND OTHER DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE THROUGH ESCROW

(1F) APPROVE AN AGRICULTURAL LEASE AGREEMENT WITH THE DANIEL AND JOYCE SOUZA FAMILY TRUST DATED 8/28/90, AT THE LEASE RATE OF \$21,600 PER YEAR FOR 160 ACRES OF CITY-OWNED LAND AT THE REGIONAL WASTEWATER RECLAMATION FACILITY

1. AUTHORIZE THE INTERIM DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY

2. AUTHORIZE THE WASTEWATER MANAGEMENT DIVISION TO CONFIRM THE TWO, ONE-YEAR EXTENSION PERIODS FOR THE CALENDAR YEARS OF 2008 AND 2009, IF THE LESSEE REQUESTS THOSE EXTENSIONS

(1G) APPROVE ACQUISITION OF SEWER EASEMENT FROM VICTORIA RODRIGUEZ AT THE PRICE OF \$1,220 AND THE TEMPORARY STREET EASEMENT FROM DENKEN FARMS AT THE PRICE OF \$323; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTIONS

(1H) **RESOLUTION NO. 2002-81** - APPROVING THE SUMMARY VACATION OF A PORTION OF BROADWAY PLAZA BETWEEN FRESNO AND MARIPOSA STREETS

(1I) **RESOLUTION NO. 2002-82** - APPROVING THE SUMMARY VACATION OF S. WEST AVENUE BETWEEN W. WHITESBRIDGE ROAD AND THE PROPOSED FREEWAY 180

(1K) **RESOLUTION NO. 2002-83** - APPROVING A SERVICE AGREEMENT WITH AECPM, INC., TO BE EXECUTED BY THE DIRECTOR OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED \$300,000, TO PERFORM INSPECTION SERVICES FOR THE SURFACE WATER TREATMENT PLANT

(1M) CONSIDER CONTINUATION OF RESOLUTION NO. 01-337, WHICH PROCLAIMED A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT BASED UPON THE THREAT OF ENEMY ATTACK OR SABOTAGE

1. **RESOLUTION NO. 2002-84** - CONTINUING RES. 01-337, WHICH PROCLAIMED A LOCAL EMERGENCY IN AND AROUND THE FYI AIRPORT, BASED UPON CONTINUING EXISTENCE OF ACTS AND CIRCUMSTANCES OF THE THREAT OF ENEMY ATTACK OR SABOTAGE

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

- - - -

PARKING FOR FAMILY MEMBERS AND CARE GIVERS AT MASTEN TOWERS, 1240 BROADWAY PLAZA

Not present when called.

- - - -

(10:05 A.M.) COUNCIL CONSIDERATION OF SCHEDULING A PUBLIC HEARING TO REVIEW THE PLANNING COMMISSION'S ACTION APPROVING CONDITIONAL USE PERMIT (CUP) NO. C-01-163, FILED BY CHAU BICH NGUYEN, TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AS AN EXPANSION OF EXISTING RETAIL SALES AT 2330 N. FRESNO STREET - PRESIDENT PEREA

President Perea gave a brief overview and requested a hearing be set to allow residents to speak before Council on the issue. Councilmember Ronquillo arrived at 11:14 a.m.

On motion of President Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, a hearing to review the Planning Commission's action approving CUP No. C-01-163 set for April 9, 2002, at 3:00 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Acting President Castillo requested staff to ask Planning Commissioners to be present to explain their position.

- - - -

(5B) INSTALLATION OF STOP SIGNS THAT DO NOT MEET WARRANTS (REQUEST IS FOR IMMEDIATE STREETS BEHIND SEQUOIA MIDDLE SCHOOL) - COUNCILMEMBER QUINTERO

- 1. INSTALL ONE (1) STOP SIGN ON BRALY AVENUE FOR EASTBOUND TRAFFIC AT 9TH STREET**
- 2. INSTALL TWO (2) STOP SIGNS ON 9TH STREET FOR NORTH AND SOUTH BOUND TRAFFIC AT WOODWARD AVENUE**

Reviewed by Councilmember Quintero who noted the City Attorney had not completed findings for a local warrant policy, reiterated this was a safety issue due to the number of school children in the area, and made a motion to approve the installations as outlined above, which motion was seconded and later acted upon.

Lengthy discussion ensued with Chief Transportation Engineer Madewell, City Attorney Montoy and Councilmember Quintero clarifying issues and responding to Council questions relative to how soon the stop signs would be installed if approved, staff currently exploring a policy for local warrants to give the city more flexibility, if any accidents had occurred at the subject locations, State warrants, if crosswalks and speed bumps were considered, if law enforcement had been able to assist with the speeding, if there were any better alternatives, staff's position being support of the current warrant system, need for crossing guards, where the nearest stop sign was located, and if the stop signs could pose a liability to the city if installed without warrants. City Manager Hobbs advised Council to follow

signs where they were not warranted. Acting President Castillo informed Council of how he has handled the issue in his district and stated staff needed to draft criteria for school areas, with Ms. Montoy clarifying staff was already working on that issue with public works and added if a local warrant process were approved it would aid greatly in the city's defense. Brief discussion ensued on timeline for staff to report back with a local warrant policy, cost for the stop sign installations and funding source, need to direct police enforcement, and Councilmember Boyajian stating he was concerned with the liability issue.

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to install one stop sign on Braly Avenue for east bound traffic at 9th Street, and two stop signs on 9th Street for north and south bound traffic at Woodward Avenue, by the following vote:

Ayes	:	Boyajian, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Castillo, Duncan
Absent	:	None

- - - -

(5C) COUNCIL CONSIDERATION TO SCHEDULE A PUBLIC HEARING TO REVIEW THE PLANNING COMMISSION'S DECISION TO REQUIRE AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE APPLICATION FOR CONDITIONAL USE PERMIT (CUP) NO. C-01-089 RELATING TO DEVELOPMENT OF A WOODCHIPPING AND GRINDING OPERATION ALONG FREEWAY 99 SOUTH OF W. BULLARD AVENUE - COUNCILMEMBER CALHOUN

Councilmember Calhoun gave a brief overview of the issue and requested a Council hearing be set. Councilmember Ronquillo spoke in support of holding a hearing so Council could discuss issues relative to future recycling centers, and Councilmember Calhoun responded briefly to questions of Councilmember Boyajian relative to whether he was requesting a hearing or an EIR **(4 - 0)**.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, a hearing to review the Planning Commission's decision to require an EIR for CUP No. C-01-089 set for April 9, 2002, at 4:00 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(6A) CONSIDER THE PROPOSED INTERNATIONAL-MAPLE NO. 1 REORGANIZATION FOR DETACHMENT OF 30 ACRES FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TERRITORY TO THE CITY
1. * RESOLUTION NO. 2002-85 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED INTERNATIONAL-MAPLE NO. 1 REORGANIZATION

Mitigated Negative Declaration for Environmental Assessment No. A-00-21, R-00-42, TT-4903 finding that the reorganization will not have a significant adverse effect upon the environment as previously adopted by Council on October 9, 2001, hereby accepted, and the above entitled Resolution No. 2002-85 adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(11:00 A.M.) CLOSED SESSION:

(A) EXISTING LITIGATION - CASE NAME: VITTHALBHAI PATEL, ET AL. V. COF

(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39
2. INTERNATIONAL BROTHERHOOD OF ELECTRIC WORKERS LOCAL 100 (IBEW)
3. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)
4. AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)
5. FRESNO AIRPORT PEACE OFFICERS/FIREFIGHTERS ASSOCIATION (FAPOFA)

The City Council met in closed session in Room 2125 at the hour of 11:45 a.m. to consider the above matters and recessed for lunch thereafter.

- - - -

LUNCH RECESS - 12:20 P.M. - 2:10 P.M.

11:00 A.M. #2 CLOSED SESSION

(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39
2. INTERNATIONAL BROTHERHOOD OF ELECTRIC WORKERS LOCAL 100 (IBEW)
3. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)
4. AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)
5. FRESNO AIRPORT PEACE OFFICERS/FIREFIGHTERS ASSOCIATION (FAPOFA)

The City Council reconvened in closed session at the hour of 2:10 p.m. for continued consideration of the above matters and reconvened in regular open session at 2:55 p.m. Councilmember Quintero arrived later.

- - - -

(1J) APPROVE A MILITARY CONSTRUCTION COOPERATIVE AGREEMENT WITH THE CALIFORNIA AIR NATIONAL GUARD FOR THE DESIGN OF PLANS AND CONSTRUCTION DOCUMENTS FOR TRAFFIC SIGNAL MODIFICATIONS AND STREET IMPROVEMENTS AT MCKINLEY AVENUE AND FALCON DRIVE (MINNEWAWA ALIGNMENT) (CONSIDERED AGAIN LATER)

Acting President Castillo presented questions relative timeline for the City to be reimbursed whereupon the matter was held off for the arrival of public works staff.

(1L) * RESOLUTION NO. 2002-86 - APPROVE REALLOCATION OF \$40,000 FOR THE CONSTRUCTION OF STORM DRAIN AND STREET IMPROVEMENTS AT ALVA AND MARTY AVENUES

Acting President Castillo stated his questions had been answered and made a motion to approve.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-86 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

(1C) * RESOLUTION NO. 2002-87 - 85TH AMENDMENT TO AAR 01-200 APPROPRIATING \$101,300 IN ADDITIONAL FUNDS FOR CONSTRUCTION, AND PROVIDE \$46,500 FOR CITY SUPPLIED EQUIPMENT, CONTRACT COMPLIANCE, INSPECTION AND P.G. & E. CHARGES FOR THE AWARD OF TRAFFIC SIGNAL UPGRADES AT CHESTNUT AND TULARE AVENUES

1. AWARD A CONTRACT FOR TRAFFIC SIGNAL UPGRADES, CHESTNUT AND TULARE AVENUES

Councilmember Quintero arrived at 2:57 p.m. President Perea noted the resolution had been received and made a motion to approve it.

On motion of President Perea, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-87 hereby adopted, and a contract for the traffic signal upgrades awarded to A-C Electric Company of Fresno in the amount of \$186,505, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

(1J) APPROVE A MILITARY CONSTRUCTION COOPERATIVE AGREEMENT WITH THE CALIFORNIA AIR NATIONAL GUARD FOR THE DESIGN OF PLANS AND CONSTRUCTION DOCUMENTS FOR TRAFFIC SIGNAL MODIFICATIONS AND STREET IMPROVEMENTS AT MCKINLEY AVENUE AND FALCON DRIVE (MINNEWAWA ALIGNMENT) (CONTINUED FROM EARLIER)

An unidentified public works staff member and P.W. Manager Jarvis responded to questions of Acting President Castillo relative to when the City would be reimbursed, when the project would be put out to bid, what the median island modification entailed, how much of the project cost would the city be reimbursed, and funding source. Acting President Castillo expressed concern with taking the money from the pedestrian bike lane account and not knowing when the money would be put back to continue pedestrian bike work and made a motion to lay the matter over one week to get the answer.

By Council consensus, the matter was laid over to March 19th.

- - - -

(5A) CONSIDERATION OF CITY'S RESPONSE TO MADERA COUNTY'S PROPOSED VILLAGE OF MADERA GATEWAY PROJECT - COUNCILMEMBER CALHOUN

Councilmember Calhoun read a portion of his 8/23/01 memo to Council relative to Fresno-Madera growth issues which included the need for discussions on regional planning philosophies and his request for appropriate City and County officials and staff to meet with Madera County to discuss joint development planning issues; advised since that time he and Councilmember Duncan had engaged in informal meetings with officials and the discussion recently turned to the proposed Village of Gateway development which he knew nothing about; clarified he was not saying the project was wrong but it looked as if this may be the beginning of some major development south of Madera and north of Fresno; stated it was his understanding that since last year mitigating measures by the developers had occurred that addressed issues but he again wanted to look at impacts the proposal would have on Fresno and have those impacts evaluated by staff; and clarified this was not intended as a criticism of Madera or to say something was wrong but he was hoping for regional talks on something that would affect Fresno.

Planning and Development Director Yovino concurred meetings, at least once a year, with decision making bodies on the same date discussing the same issue were the best form of communication but it was difficult to do; stated staff did send comments which addressed a number of issues including air quality, transportation and water and explained; and advised some good mitigation measures were put in but it was not known if they went all the way with the freeway impacts on Fresno's side of the river and staff did not know to what level the jobs to housing balance ratio would be implemented. Public Utilities Director McIntyre commented on the water element of the proposed project.

Lengthy discussion ensued with the main topics being the need for joint meetings and the environmental impacts on Fresno. Councilmember Ronquillo left the meeting at 3:29 p.m. and returned later for closed session. A motion and second was made to direct staff to submit comments and attend Madera County's March 19th meeting when they consider the final EIR for the project. Discussion continued on amending the motion to include scheduling a first meeting, with Councilmember Calhoun stating he preferred to have staff first report back with a proposal on how to best interact with Madera County. Councilmember Duncan offered an amendment to have the Mayor and Council President extend an invitation to Madera County for a joint summit to begin dialog on growth issues, **(5 - 0)** which was accepted by Councilmember Calhoun with the condition that staff be involved and kept in the loop as he did not want a summit with just the elected officials and explained. Brief discussion ensued with City Attorney Montoy clarifying this would be the last opportunity for the City to place comments, comprehensive in detail, on the record and explained. Upon question of President Perea, Mr. Yovino stated staff would attend the March 19th meeting, formally request a joint meeting at that time, and put in writing the City's concerns relative to traffic and air quality impacts.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to (1) attend Madera County's meeting on March 19th and place the City's comments into the record, and (2) report back with a proposal for regular communication with Madera County, and, further, the Mayor and Council President to extend an invitation to Madera County for a joint summit to begin dialog on growth issues, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

- - - -

UNSCHEDULED ORAL COMMUNICATIONS:

DIRECT STAFF TO SCHEDULE ON THE MARCH 19TH AGENDA: "UPDATE REPORT ON THE GAP AGREEMENT RELATIVE TO COMPLIANCE" - ACTING PRESIDENT CASTILLO

Direction made.

REQUEST FOR STATUS REPORT ON THE FUTURE OF THE CHAFFEE ZOO IN LIGHT OF THE BALLOT MEASURE DEFEAT ON MARCH 5, 2002 - COUNCILMEMBER CALHOUN

Request made.

CLOSED SESSION ITEM **11:00 A.M. B-4** RELATIVE TO AMALGAMATED TRANSIT UNION (ATU)

City Attorney Montoy advised Acting President Castillo recused himself from the proceedings in closed session pending a determination from her office on the recent allegations reported in the Fresno Bee.

- - - -

RECESS - 3:48 P.M. - 4:03 P.M.

(2:00 P.M.) CLOSED SESSION:

(“B”) ANTICIPATED LITIGATION - CASE NAME: CITY OF FRESNO V. LAFCO OF FRESNO COUNTY

(“C”) EXISTING LITIGATION - CASE NAMES:

1. CITY OF FRESNO V. GARFIELD PARK HIGHLANDS, ET AL. (P.R. FARMS)
2. CITY OF FRESNO V. COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS
3. CITY OF FRESNO V. CITY OF CLOVIS, CITY COUNCIL OF THE CITY OF CLOVIS (PAYNTER REALTY AND INVESTMENTS, INC., DAVID PAYNTER - REAL PARTIES IN INTEREST)
4. SCOTT ELLIS ENTERPRISES V. CITY OF FRESNO, UNION PACIFIC RAILROAD COMPANY, FORMERLY KNOWN AS SOUTHERN PACIFIC TRANSPORTATION COMPANY

The City Council met in closed session at the hour of 4:03 p.m. to consider the above matters and adjourned thereafter.

- - - -

ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:35 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 19th day of March, 2002.

<hr/>	
Henry Perea, Council President	ATTEST: Yolanda Salazar, Assistant City Clerk